

AN ACT

relating to the organization of a grand jury.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 19.01, Code of Criminal Procedure, is amended to read as follows:

Art. 19.01. SELECTION AND SUMMONS OF PROSPECTIVE GRAND JURORS [~~APPOINTMENT OF JURY COMMISSIONERS; SELECTION WITHOUT JURY COMMISSION~~]. [(a)] The [~~district judge, at or during any term of court, shall appoint not less than three, nor more than five persons to perform the duties of jury commissioners, and shall cause the sheriff to notify them of their appointment, and when and where they are to appear. The district judge shall, in the order appointing such commissioners, designate whether such commissioners shall serve during the term at which selected or for the next succeeding term. Such commissioners shall receive as compensation for each day or part thereof they may serve the sum of Ten Dollars, and they shall possess the following qualifications:~~

[~~1. Be intelligent citizens of the county and able to read and write the English language,~~

[~~2. Be qualified jurors in the county,~~

[~~3. Have no suit in said court which requires intervention of a jury,~~

[~~4. Be residents of different portions of the county, and~~

[~~5. The same person shall not act as jury commissioner more~~

1 ~~than once in any 12-month period.~~

2 ~~[(b) In lieu of the selection of prospective jurors by means~~
3 ~~of a jury commission, the]~~ district judge shall ~~[may]~~ direct that 20
4 to 125 prospective grand jurors be selected and summoned, with
5 return on summons, in the same manner as for the selection and
6 summons of panels for the trial of civil cases in the district
7 courts. The judge shall try the qualifications for and excuses from
8 service as a grand juror and impanel the completed grand jury ~~[in~~
9 ~~the same manner]~~ as provided by this chapter ~~[for grand jurors~~
10 ~~selected by a jury commission].~~

11 SECTION 2. Article 19.07, Code of Criminal Procedure, is
12 amended to read as follows:

13 Art. 19.07. EXTENSION BEYOND TERM OF PERIOD FOR WHICH GRAND
14 JURORS SHALL SIT. If prior to the expiration of the term for which
15 the grand jury was impaneled, it is made to appear by a declaration
16 of the foreman or of a majority of the grand jurors in open court,
17 that the investigation by the grand jury of the matters before it
18 cannot be concluded before the expiration of the term, the judge of
19 the district court in which said grand jury was impaneled may, by
20 the entry of an order on the minutes of said court, extend, from
21 time to time, for the purpose of concluding the investigation of
22 matters then before it, the period during which said grand jury
23 shall sit, for not to exceed a total of ninety days after the
24 expiration of the term for which it was impaneled, and all
25 indictments pertaining thereto returned by the grand jury within
26 said extended period shall be as valid as if returned before the
27 expiration of the term. ~~[The extension of the term of a grand jury~~

1 ~~under this article does not affect the provisions of Article 19.06~~
2 ~~relating to the selection and summoning of grand jurors for each~~
3 ~~regularly scheduled term.]~~

4 SECTION 3. Article 19.08, Code of Criminal Procedure, is
5 amended to read as follows:

6 Art. 19.08. QUALIFICATIONS. No person shall be selected or
7 serve as a grand juror who does not possess the following
8 qualifications:

9 1. The person must be a citizen of the state, and of
10 the county in which the person is to serve, and be qualified under
11 the Constitution and laws to vote in said county, provided that the
12 person's failure to register to vote shall not be held to disqualify
13 the person in this instance;

14 2. The person must be of sound mind and good moral
15 character;

16 3. The person must be able to read and write;

17 4. The person must not have been convicted of
18 misdemeanor theft or a felony;

19 5. The person must not be under indictment or other
20 legal accusation for misdemeanor theft or a felony;

21 6. The person must not be related within the third
22 degree of consanguinity or second degree of affinity, as determined
23 under Chapter 573, Government Code, to any person selected to serve
24 or serving on the same grand jury;

25 7. The person must not have served as grand juror [~~or~~
26 ~~jury commissioner~~] in the year before the date on which the term of
27 court for which the person has been selected as grand juror begins;

1 and

2 8. The person must not be a complainant in any matter
3 to be heard by the grand jury during the term of court for which the
4 person has been selected as a grand juror.

5 SECTION 4. Article 19.18, Code of Criminal Procedure, is
6 amended to read as follows:

7 Art. 19.18. IF LESS THAN SIXTEEN [~~FOURTEEN~~] ATTEND. When
8 less than sixteen [~~fourteen~~] of those summoned to serve as grand
9 jurors are found to be in attendance and qualified to so serve, the
10 court shall order the sheriff to summon such additional number of
11 persons as may be deemed necessary to constitute a grand jury of
12 twelve persons and four [~~two~~] alternates.

13 SECTION 5. Article 19.19, Code of Criminal Procedure, is
14 amended to read as follows:

15 Art. 19.19. JURORS TO ATTEND FORTHWITH. The jurors
16 provided for in Article 19.18 [~~the two preceding Articles~~] shall be
17 summoned in person to attend before the court forthwith.

18 SECTION 6. Article 19.20, Code of Criminal Procedure, is
19 amended to read as follows:

20 Art. 19.20. TO SUMMON QUALIFIED PERSONS. On [~~Upon~~]
21 directing the sheriff to summon grand jurors [~~not selected by the~~
22 ~~jury commissioners~~], the court shall instruct the sheriff [~~him~~]
23 that the sheriff [~~he~~] must not summon any [~~no~~] person to serve as a
24 grand juror who does not possess the qualifications prescribed by
25 law.

26 SECTION 7. Article 19.23, Code of Criminal Procedure, is
27 amended to read as follows:

1 Art. 19.23. MODE OF TEST. In trying the qualifications of
2 any person to serve as a grand juror, that person [~~he~~] shall be
3 asked:

4 1. Are you a citizen of this state and county, and qualified
5 to vote in this county, under the Constitution and laws of this
6 state?

7 2. Are you able to read and write?

8 3. Have you ever been convicted of misdemeanor theft or any
9 [a] felony?

10 4. Are you under indictment or other legal accusation for
11 misdemeanor theft or for any felony?

12 SECTION 8. Article 19.26, Code of Criminal Procedure, is
13 amended to read as follows:

14 Art. 19.26. JURY IMPANELED. (a) When at least sixteen
15 [~~fourteen~~] qualified jurors are found to be present, the court
16 shall select twelve fair and impartial persons to serve as grand
17 jurors and four additional persons to serve as alternate grand
18 jurors. The grand jurors and the alternate grand jurors shall be
19 randomly selected from a fair cross section of the population of the
20 area served by the court.

21 (b) The court shall proceed to impanel the grand jury,
22 unless a challenge is made, which may be to the array or to any
23 particular person presented to serve as a grand juror or an
24 alternate.

25 [~~(b) The grand jury is composed of not more than twelve~~
26 ~~qualified jurors.~~] In addition, the court shall [~~qualify and~~]
27 impanel four [~~not more than two~~] alternates to serve on

1 disqualification or unavailability of a juror during the term of
2 the grand jury. On learning that a grand juror has become
3 disqualified or unavailable during the term of the grand jury, the
4 attorney representing the state shall prepare an order for the
5 court identifying the disqualified or unavailable juror, stating
6 the basis for the disqualification or unavailability, dismissing
7 the disqualified or unavailable juror from the grand jury, and
8 naming one of the alternates as a member of the grand jury. The
9 procedure established by this subsection may be used on
10 disqualification or unavailability of a second or subsequent grand
11 juror during the term of the grand jury. For purposes of this
12 subsection, a juror is unavailable if the juror is unable to
13 participate fully in the duties of the grand jury because of the
14 death of the juror, ~~or~~ a physical or mental illness of the juror,
15 or any other reason the court determines constitutes good cause for
16 dismissing the juror.

17 SECTION 9. Article 19.30, Code of Criminal Procedure, is
18 amended to read as follows:

19 Art. 19.30. CHALLENGE TO "ARRAY". A challenge to the
20 "array" shall be made in writing for these causes only:

21 1. That those summoned as grand jurors are not in fact those
22 selected by the method provided by Article 19.01 [~~19.01(b) of this~~
23 ~~chapter or by the jury commissioners~~]; and

24 2. That [~~In case of grand jurors summoned by order of the~~
25 ~~court, that~~] the officer who summoned the grand jurors [~~them had~~]
26 acted corruptly in summoning any one or more of them.

27 SECTION 10. Article 19.31, Code of Criminal Procedure, is

1 amended to read as follows:

2 Art. 19.31. CHALLENGE TO JUROR. (a) A challenge to a
3 particular grand juror may be made orally for any of the following
4 causes [~~only~~]:

5 1. That the juror is insane;

6 2. That the juror has such defect in the organs of feeling or
7 hearing, or such bodily or mental defect or disease as to render the
8 juror unfit for jury service, or that the juror is legally blind and
9 the court in its discretion is not satisfied that the juror is fit
10 for jury service in that particular case;

11 3. That the juror is a witness in or a target of an
12 investigation of a grand jury;

13 4. That the juror served on a petit jury in a former trial of
14 the same alleged conduct or offense that the grand jury is
15 investigating;

16 5. That the juror has a bias or prejudice in favor of or
17 against the person accused or suspected of committing an offense
18 that the grand jury is investigating;

19 6. That from hearsay, or otherwise, there is established in
20 the mind of the juror such a conclusion as to the guilt or innocence
21 of the person accused or suspected of committing an offense that the
22 grand jury is investigating as would influence the juror's vote on
23 the presentment of an indictment;

24 7. That the juror is related within the third degree by
25 consanguinity or affinity, as determined under Chapter 573,
26 Government Code, to a person accused or suspected of committing an
27 offense that the grand jury is investigating or to a person who is a

1 victim of an offense that the grand jury is investigating;

2 8. That the juror has a bias or prejudice against any phase
3 of the law upon which the state is entitled to rely for an
4 indictment;

5 9. That the juror [he] is not a qualified juror; and

6 10. [2.] That the juror [he] is the prosecutor upon an
7 accusation against the person making the challenge.

8 (b) A challenge under Subsection (a)(3) may be made ex parte
9 and shall be reviewed and ruled on in an in camera proceeding. The
10 court shall seal any record of the challenge.

11 (c) In this article, "legally blind" has the meaning
12 assigned by Article 35.16(a).

13 SECTION 11. Chapter 19, Code of Criminal Procedure, is
14 amended by adding Article 19.315 to read as follows:

15 Art. 19.315. RECUSAL OF JUROR. (a) If, during the course of
16 a juror's service on the grand jury, the juror determines that the
17 juror could be subject to a valid challenge for cause under Article
18 19.31, the juror shall recuse himself or herself from grand jury
19 service until the cause no longer exists. A person who knowingly
20 fails to recuse himself or herself under this subsection may be held
21 in contempt of court. A person authorized to be present in the grand
22 jury room shall report a known violation of this subsection to the
23 court.

24 (b) The court shall instruct the grand jury as to the duty
25 imposed by Subsection (a).

26 SECTION 12. Section 24.014(b), Government Code, is amended
27 to read as follows:

1 (b) The judge may impanel [~~appoint jury commissioners who~~
2 ~~select and draw~~] grand and petit jurors as provided by law. The
3 jurors may be summoned to appear before the court at the time
4 designated by the judge.

5 SECTION 13. Section 24.135(c), Government Code, is amended
6 to read as follows:

7 (c) The judge of the 33rd District Court may [~~select jury~~
8 ~~commissioners and~~] impanel grand juries in each county. The judge
9 of the 33rd District Court may alternate the drawing of grand juries
10 with the judge of any other district court in each county within the
11 33rd Judicial District and may order grand and petit juries to be
12 drawn for any term of the court as the judge determines is
13 necessary, by an order entered in the minutes of the
14 court. Indictments within each county may be returned to either
15 court within that county.

16 SECTION 14. Section 24.377(b), Government Code, is amended
17 to read as follows:

18 (b) The judge of the 198th District Court may [~~select jury~~
19 ~~commissioners and~~] impanel grand juries in each county. The judge
20 of the 198th District Court may alternate the drawing of grand
21 juries with the judge of any other district court in each county
22 within the judge's district and may order grand and petit juries to
23 be drawn for any term of the judge's court as in the judge's judgment
24 is necessary, by an order entered in the minutes of the court.
25 Indictments within each county may be returned to either court
26 within that county.

27 SECTION 15. Section 24.396(b), Government Code, is amended

1 to read as follows:

2 (b) The judge of the 218th District Court may [~~select grand~~
3 ~~jury commissioners and~~] impanel grand juries in each county in the
4 district but is not required to impanel a grand jury in any county
5 except when the judge [~~he~~] considers it necessary. The judge may
6 alternate the impaneling of grand juries in each county with the
7 judge of any other district court in that county, or the judges may
8 by agreement determine which one of the courts will impanel the
9 grand juries. Indictments within each county may be returned to any
10 district court within that county. All grand and petit juries drawn
11 for one district court in each county are interchangeable with any
12 other district court in that county as if the jury had been drawn
13 for the court in which it is used.

14 SECTION 16. Section 24.487(b), Government Code, is amended
15 to read as follows:

16 (b) The judge of the 341st District Court may [~~select jury~~
17 ~~commissioners and~~] impanel grand juries in Webb County. The judge
18 of the 341st District Court may alternate the drawing of grand
19 juries with the judge of any other district court in the county. By
20 order entered on the minutes, for any term that the judge considers
21 it necessary, the judge may order grand and petit juries to be
22 drawn.

23 SECTION 17. Section 24.568(d), Government Code, is amended
24 to read as follows:

25 (d) The judge of the 424th District Court may [~~select jury~~
26 ~~commissioners and~~] impanel grand juries in each county. The judge
27 of the 424th District Court may alternate the drawing of grand

1 juries with the judge of any other district court in each county
2 within the 424th Judicial District and may order grand and petit
3 juries to be drawn for any term of the court as the judge determines
4 is necessary, by an order entered in the minutes of the
5 court. Indictments within each county may be returned to either
6 court within that county.

7 SECTION 18. Section 24.596(b), Government Code, is amended
8 to read as follows:

9 (b) The judge of the 452nd District Court may [~~select jury~~
10 ~~commissioners and~~] impanel grand juries in each county. The judge
11 of the 452nd District Court may order grand and petit juries to be
12 drawn for any term of the judge's court as in the judge's judgment is
13 necessary, by an order entered in the minutes of the court.

14 SECTION 19. The heading to Section 402.024, Government
15 Code, is amended to read as follows:

16 Sec. 402.024. DEFENSE OF DISTRICT ATTORNEY [~~, GRAND JURY~~
17 ~~COMMISSIONER,~~] OR GRAND JUROR.

18 SECTION 20. Section 402.024(b), Government Code, is amended
19 to read as follows:

20 (b) The attorney general shall defend a state [~~grand jury~~
21 ~~commissioner or~~] grand juror who is a defendant in an action in any
22 court if:

23 (1) the suit involves an act of the person while in the
24 performance of duties as a [~~grand jury commissioner or~~] grand
25 juror; and

26 (2) the person requests the attorney general's
27 assistance in the defense.

1 SECTION 21. The following provisions are repealed:

2 (1) Articles 19.02, 19.03, 19.04, 19.05, 19.06, 19.09,
3 19.10, 19.11, 19.12, 19.13, 19.14, 19.15, and 19.17, Code of
4 Criminal Procedure; and

5 (2) Section 24.014(c), Government Code.

6 SECTION 22. (a) Except as provided by Subsection (b) of
7 this section, the changes in law made by this Act apply to a grand
8 jury impaneled on or after the effective date of this Act. A grand
9 jury impaneled before the effective date of this Act is governed by
10 the law in effect on the date the grand jury was impaneled, and the
11 former law is continued in effect for that purpose.

12 (b) Section 402.024(b), Government Code, as amended by this
13 Act, applies only to a court action arising from an act of a person
14 that occurs on or after the effective date of this Act. A court
15 action arising from an act of a person that occurred before the
16 effective date of this Act is governed by the law in effect on the
17 date the act occurred, and the former law is continued in effect for
18 that purpose.

19 SECTION 23. This Act takes effect September 1, 2015.

President of the Senate

Speaker of the House

I certify that H.B. No. 2150 was passed by the House on May 15, 2015, by the following vote: Yeas 71, Nays 57, 2 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 2150 on May 27, 2015, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 2150 on May 31, 2015, by the following vote: Yeas 86, Nays 57, 2 present, not voting.

Chief Clerk of the House

H.B. No. 2150

I certify that H.B. No. 2150 was passed by the Senate, with amendments, on May 24, 2015, by the following vote: Yeas 25, Nays 5; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 2150 on May 30, 2015, by the following vote: Yeas 29, Nays 2.

Secretary of the Senate

APPROVED: _____

Date

Governor